

REMARKS

In the Advisory Action mailed 2/22/2010, Applicant's arguments were rejected but the Continuation Sheet merely stated "does NOT place the application in condition for allowance because: Applicant's arguments filed 1/4/2010 have been fully considered, but have not been found to be persuasive." Applicant submits that such a response from the Examiner does not provide any reasoning behind Examiner's dismissal of Applicant's arguments, and therefore fails to give Applicant any guidance as to how to advance prosecution of the present application. In light of the difficulty Applicant has had in prosecuting this Application, namely the USPTO mailing a response to the wrong practitioner, failing to understand this error upon petition for revival of the abandonment that resulted from the USPTO error, in the interest of fairness, Applicant deserves at a bare minimum to understand Examiner's reasoning in dismissing Applicant's arguments. Applicant directs Examiner's attention to MPEP 2144.08 III (RECONSIDER ALL EVIDENCE AND CLEARLY COMMUNICATE FINDINGS AND CONCLUSIONS), which states in part: **The Office Action should clearly communicate the Office's findings and conclusions, articulating how the conclusions are supported by the findings.** Thus, Applicant AGAIN presents arguments made in the previous response, and urges Examiner to accept them and issue a Notice of Allowance, or at the very least SUBSTANTIVELY address them so that Applicant can further advance prosecution of the present application to a successful outcome.

In the Office action mailed 10/26/09, claims 1 and 7-9 were rejected under 35 USC 102(b) as being anticipated by Elberg (US 2741082). Applicant respectfully traverses this rejection. Specifically, Elberg does not teach, suggest, nor otherwise disclose the claimed limitation of a first day gear and a third day gear being configured such that the first day gear provides one revolution to the third day gear for every 14 revolutions of the hour hand.

Page 4 of the Office Action mailed 10/26/09 at paragraph (*1) states:

“-31 and 42 rotate once per day so as to adjust the day wheel and indicator (35 and 18). 30 rotates twice per day according to the drive operation of hour hand 19. The day indicator 18 corresponds to seven days a week (Sun.-Sat.). Accordingly, the day wheel rotates 14 times relative to a full rotation of the hour wheel. Fourteen equals seven times two.”

Upon review of FIG. 6 and Elberg's accompanying description, Applicant asserts that Elberg fails to provide an enabling disclosure and thus does not disclose the limitation of claim 1 of the present application. Specifically, wheel 31 in Elberg's Fig. 6 is drawn without any shaft, yet is simply attached to hub 32. See Elberg at Col. 7, lines 34-40:

As shown on Fig. 6, a cam 42, devised to actuate the described intermediate pinion 45 and fixed to the forward end of the described camshaft 17 rotating in a support 34 fixed to the rear face of the mounting plate 1, is fixed by the described toothed wheel 31 by means of a pin 43 securing the camshaft to a hub 32 fixed to the wheel 31.

However, there is nothing shown in contact with wheel 31 other than hub 32, which only is in contact with the edge of wheel 31. Thus, wheel 31 cannot operate anything through its rotation and simply spins freely as shown in Elberg's FIG. 6. To state that Elberg teaches otherwise would be akin to stating that Buck Rogers films of the 1930s would be sufficient disclosure to reject patent applications directed to lasers and rocket engines. The same problem appears for wheel 31 in Elberg's Fig. 8.

In further support of Applicant's argument, while Elberg states at col. 7, line 41 that wheel 31 is "...rotatably mounted on the rear face of the mounting plate 1 and fixed to two cams 33 and 42, Elberg's Fig. 6 and Fig. 8 do not show this. Elberg's Fig. 6 shows cam 42 in contact with camshaft 17 and intermediate pinion 45. **In order for wheel 31 to be useful, there must be two points of contact – one to activate wheel 31 and another to translate its motion to another element. For example, a gear needs a shaft or another gear to drive it, and a second gear or a hand or other indicator to be in contact with the gear to translate its motion for a useful purpose. This basic mechanical principle is not adhered to in Elberg.**

Applicant asserts that the Examiner has failed to make a prima facie showing of obviousness. The third requirement of an obviousness rejection under 35 USC 103(a) as explicitly stated in MPEP 2143, that the prior art references must teach or suggest all the claim limitations.

At the very least, if Examiner disagrees with Applicant's argument that Elberg does not suggest or otherwise disclose enablement, Applicant respectfully reminds Examiner that missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. Titanium Metals Corp. v. Banner, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Claims 5-6 are rejected under 35 USC 103(a) as being unpatentable over Elberg in view of Komiyama (US 5062090). Applicant incorporates the arguments made above with respect to claim 1, and points out that claims 5-6 depend from claim 1 and thus incorporate all of the limitations of claim 1 and are therefore patentable in their current form.

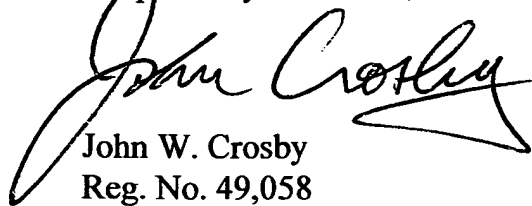
INVITATION TO TELEPHONE CONFERENCE

Applicant invites Examiner to call the undersigned attorney at the phone number listed below if the Examiner feels there are any remaining issues that might be resolved by telephone.

Date: February 26, 2010

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Respectfully submitted,


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